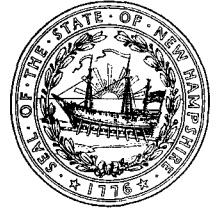




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

July 22, 2005

Sherwood Forest Manufactured Homes, Inc.
Attention: Daniel Britton, Vice President
317 Sherwood Forest
Exeter, NH 03833

Subject: Sherwood Forest Mobile Homes, Exeter, NH
Administrative Order No. WD 05-023

Dear Mr. Britton:

Enclosed you will find Administrative Order No. WD 05-023 for the subject site. If you have any questions about the Order or related matters, please contact me at 271-6637.

Sincerely,

Stergios K. Spanos
Compliance Subsection, Wastewater Engineering Bureau

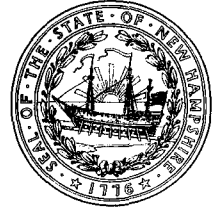
CERIFIED MAIL / RRR # 7099 3400 0003 6154 3826

cc: Gretchen Hamel, Legal Unit Administrator
Jennifer J. Patterson, Sr. Asst. Attorney General, NHDOJ/EPB
Joy Hilton, EPA Compliance and Enforcement
John Bush, DES Wastewater Engineering Bureau Administrator
James Martin, Public Information Officer, DES PIP Office
Victoria Del Greco, Exeter Water & Wastewater Superintendent
Board of Selectmen, Exeter
Michael G. Britton, Registered Agent, Linden St., Box 317, Exeter, NH 03833
Elizabeth Bommer, Senior Property Manager, Sherwood Forest Manufactured Homes, Inc.

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The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Sherwood Forest
Manufactured Homes, Inc.
Attention: Daniel Britton, Vice President
317 Sherwood Forest
Exeter, NH 03833

Re: Sherwood Forest Mobile Homes
Exeter, NH

ADMINISTRATIVE ORDER
No. WD 05-023

July 20, 2005

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division to Sherwood Forest Manufactured Homes, Inc. pursuant to RSA 485-A:22. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, NH.
2. Sherwood Forest Manufactured Homes, Inc. ("Sherwood Forest") is a New Hampshire corporation having a mailing address of 317 Sherwood Forest, Exeter, NH 03833.

C. STATEMENTS OF FACTS AND LAW

1. Pursuant to RSA 485-A:13 and related sections, DES regulates the discharge of pollutants to surface waters under a permit system. As part of this program, the Commissioner of DES has adopted Env-Ws 401 - 405 relating to permits and has adopted Env-Ws 1700 to establish water quality standards for the state's waters.
2. Pursuant to RSA 485-A:8 and related sections, DES regulates attaining and maintaining specific standards of water quality to achieve the purposes of the legislative classification of surface waters of the State.
3. Sherwood Forest owns and operates the sewerage system (the "system") at the mobile home community in Exeter, NH known as Sherwood Forest Mobile Homes, and thus is responsible for the system and the sewage it conveys.
4. Pursuant to RSA 485-A:13, I(a) it shall be unlawful for any person or persons to discharge or dispose of any sewage or waste to the surface water or groundwater of the state without first obtaining a written permit from DES.

5. On June 27, 2005 the system had an overflow of sewage at the manhole on Lancelot Street. Sewage went into a catch basin on Lancelot Street by Powder Mill Bridge, at an estimated rate of 50 gallons per minute for one hour, and discharged to the Exeter River three miles upstream of the Exeter drinking water intake.
6. On July 4, 2005 the system had an overflow of sewage at the manhole on Lancelot Street at an estimated rate of 20 gallons per minute for one hour, and discharged to the Exeter River three miles upstream of the Exeter drinking water intake.
7. The Exeter River at the point of discharge for the two documented sewage overflow events (June 27, 2005 and July 4, 2005) is a class B surface water of the State, and furthermore, is the drinking water source for the Town of Exeter.
8. Pursuant to RSA 485-A:8,II class B waters shall contain not more than 406 Escherichia coli per 100 millimeters in any one sample.
9. DES asserts that the sewage discharged for the two documented sewage overflow events contained bacteria in excess of 406 Escherichia coli per 100 millimeters, based on typical characteristics of sewage.

D. DETERMINATION OF VIOLATIONS

1. Sherwood Forest has violated RSA 485-A:13,I(a) by discharging sewage to a surface water of the State without a written permit from DES.
2. Sherwood Forest has violated RSA 485-A:8,II by discharging sewage to a surface water of the State in excess of the surface water maximum for bacteria.

E. ORDER

Based on the above findings, DES hereby orders Sherwood Forest as follows:

1. **Within 90 days of receipt of this Order**, submit to DES a report prepared by a licensed professional engineer that investigates the cause(s) for the releases from the sewer system. The report is to evaluate the condition and adequacy of the sewer system and provide recommendations for actions to be taken to prevent recurrence of the releases along with a proposed implementation schedule to undertake the work necessary to ensure that the situation is remedied.
2. Within 15 days of acceptance of the implementation schedule, implement the recommendations per the approved schedule. The proposed schedule, with any necessary modifications, shall be incorporated into this Order and enforceable hereunder.

3. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, as follows:

Stergios K. Spanos
DES Water Division
PO Box 95
Concord, NH 03302-0095

copy to: Joy Hilton
USEPA Region 1/Water Technical Unit
1 Congress St., Suite 1100
Boston, MA 02114-2023

F. APPEAL

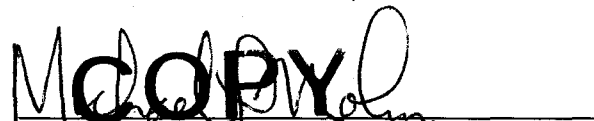
Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Sherwood Forest Manufactured Homes, Inc. of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 485-A:22 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. Sherwood Forest Manufactured Homes, Inc. remains obligated to comply with all applicable requirements, in particular RSA 485-A:13 and related sections.

This Order is being recorded in the Rockingham County Registry of Deeds so as to run with the land.


Harry T. Stewart, P.E., Director
Water Division


Michael P. Nolin, Commissioner
Department of Environmental Services

Certified Mail/RRR: 7099 3400 0003 6154 3826

cc: Gretchen R. Hamel, Legal Unit Administrator
James Martin, Public Information Officer, DES PIP Office
Jennifer J. Patterson, Sr. Asst. Attorney General, NHDOJ/EPB
Joy Hilton, EPA Enforcement
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